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**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

MOHAMMED KAMAL HOSSAIN,
Plaintiff,

v.

**COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS and
MATTHEW GREGORY, in his official
capacity as Attorney General of the
Commonwealth of the Northern Mariana
Islands, and the UNITED STATES OF
AMERICA,**
Defendants.

Civil Action 08-0016

**DEFENDANT COMMONWEALTH'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

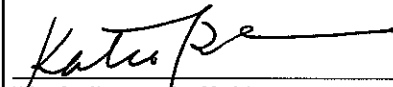
Hearing: October ____, 2008.

NOTICE OF MOTION AND MOTION TO DISMISS

PLEASE TAKE NOTICE that on October ____, 2008, or as soon thereafter as the matter may be heard in the Courtroom of the Honorable Alex R. Munson, Chief Judge of the above-entitled Court, located at the 2nd Floor, Horiguchi Building, Garapan, Saipan, MP, 96950 USA, Defendants, through their undersigned counsel, hereby respectfully move this Court to dismiss

1 the Complaint for Declaratory, Injunctive, Compensatory and Further Relief filed by Plaintiff in
2 accordance with the doctrines of *res judicata*, collateral estoppel, and Fed. Civ. P. 12 (b)(6) on
3 failure to state a claim upon which relief can be granted. In support of this Motion, the Court is
4 respectfully referred to the accompanying Memorandum of Points and Authorities filed herewith,
5 the pleadings, records and papers filed herein, and such other and further oral and documentary
6 evidence and legal memoranda that may be presented.

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8 Respectfully submitted 17th day of September of 2008.

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10 Katie Busenkell (CNMI Bar T-0054)
11 Assistant Attorney General – Immigration Division
12 Office of the Attorney General
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9/17/08
Date